



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,923	12/20/2001	Joerg Schwenk	2345/165	8882

26646 7590 03/10/2005

KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
----------	--------------

2876

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/937,923	Applicant(s) SCHWENK ET AL.	
	Examiner EDWYN LABAZE	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 18-35 and 38-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 19, 20, 22, 23, 29-34 and 38-43 is/are allowed.
- 6) ☒ Claim(s) 18, 21 and 35 is/are rejected.
- 7) ☒ Claim(s) 24-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1012001, 11192004</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Receipt is acknowledged of IDS filed on 11/19/2004 and 10/01/2001.
2. Claims 18-35 and 38-43 are presented for examination.

***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 18, 21, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Bestock (U.S. 5,363,449).

Re claims 18, 35: Bestock discloses personal identification encryptor and method, which includes generating the personal identification number from a binary number having L digits [herein Bestock teaches a key code 68 having 16 different alphanumeric shuffles and used as a seed to generate the encrypted PIN] so that the personal identification number is randomly distributed over an available number domain (col.4, lines 28+), wherein the binary number having L digits is generated at least in-part [herein Bestock discloses that the code 110 {as

Art Unit: 2876

shown in fig. # 6} is generated from information 106 having fields associated with the user's name, account number and the like] from data pertaining to an individual (col.6, lines 1+).

Re claim 21: Bestock teaches a system and method, wherein  $N = 4$  [herein Bestock teaches that the PIN number could be a set of pairs of individual digits, combination of digits, or alphanumeric characters] is selected (col.5, lines 15+).

***Allowable Subject Matter***

6. Claims 24-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 19-20, 22-23, 29-34, and 38-43 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach means of fully converting the binary number into a decimal number to generate the personal identification number, and if necessary, a correction value is added to a resultant decimal number so that a first digit of the decimal number becomes unequal to zero, digits of the resultant decimal number forming the decimal digits of the personal identification number, and means for generating a pseudo-random number up to 36 and 210 hexadecimal digits, converting each hexadecimal digit into one decimal digit using one out of 36, 210 possible mathematical mappings and linking up to 36, 210 decimal digits of a generated number in a mathematical operation [wherein a first pre-definable number is selected such as a quotient  $2.\sup{n1/z1*9}$  is close to 1] to form a decimal digit representing a particular digit of the personal identification number, and to average out the probability of the personal identification

Art Unit: 2876

digit. These limitations in conjunction with other limitations in the claimed invention were not shown by the prior art of record.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miyaji et al. (U.S. 5,825,885) discloses bit agitator.

Wilber (U.S. 6,324,558) teaches random number generator and generation method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
February 28, 2005



**THIEN M. LE  
PRIMARY EXAMINER**